

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DIVINE EQUALITY RIGHTEOUS,
ANGELINA LEE, NYOKA E. JONES,
TAMEEKA HOLLAND, ARKEEM
DUNSON, AND SOPHIA YAZUJIAN,
Plaintiffs,**

v.

**OVERBROOK SCHOOL FOR THE
BLIND,
Defendant.**

CIVIL ACTION

NO. 23-846

ORDER

AND NOW, this 26th day of July, 2023, upon consideration of Defendant Overbrook School for the Blind's Motion to Dismiss (ECF Nos. 18 & 21) as well as Plaintiffs' response thereto (ECF No. 19), **IT IS HEREBY ORDERED** that Defendant's Motion is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Defendant's Motion is **GRANTED** with respect to Plaintiffs' religious discrimination claims pursuant to Title VII and the PHRA. These claims are **DISMISSED WITHOUT PREJUDICE**.
2. Defendant's Motion is **GRANTED** with respect Plaintiff Yazujian's disparate treatment race discrimination claim pursuant to Title VII, Section 1981, and the PHRA. These claims are **DISMISSED WITHOUT PREJUDICE**.
3. Defendant's Motion is **DENIED** with respect to Plaintiffs Righteous, Lee, Jones, Holland, and Dunson's disparate treatment race discrimination claim pursuant to Title VII, Section 1981, and the PHRA.

4. Defendant's Motion is **DENIED** with respect to Plaintiffs Righteous, Lee, Jones, Holland, and Dunson's disparate impact race discrimination claim pursuant to Title VII and the PHRA.
5. Defendant's Motion is **GRANTED** with respect to Plaintiffs' disability discrimination claims pursuant to the ADA and PHRA. These claims are **DISMISSED WITH PREJUDICE**.
6. Defendant's Motion is **GRANTED** with respect to Plaintiffs' retaliation claims pursuant to Title VII, Section 1981, the ADA, and the PHRA. These claims are **DISMISSED WITHOUT PREJUDICE**.
7. Defendant's Motion is **DENIED** with respect to its request pursuant to Federal Rule of Civil Procedure 12(f) to strike certain portions of Plaintiffs' Complaint.

BY THE COURT:

/s/Wendy Beetlestone, J.

WENDY BEETLESTONE, J.